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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,974	02/17/2004	Gary Kiwimagi	CVN.015.CIP1	1673
46317	7590	08/31/2007		
TRENNER LAW FIRM, LLC 12081 WEST ALAMEDA PARKWAY #163 LAKEWOOD, CO 80228			EXAMINER GELAGAY, SHEWAYE	
			ART UNIT 2137	PAPER NUMBER
			MAIL DATE 08/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/780,974	Applicant(s) KIWIMAGI ET AL.	
	Examiner Shewaye Gelagay	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/28/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on May 28, 2007. Claims 1-4, 6-8, 10-12 and 20 have been amended. Claims 1-20 are pending.

Specification

2. In view of the amendment filed May 28, 2007, the Examiner withdraws the objection to the specification.

Claim Objections

3. In view of the amendment filed May 28, 2007, the Examiner withdraws the objection to claims 6, 8, 11, 12, 20.

Double Patenting

4. In view of the amendment filed May 28, 2007, the Examiner withdraws the Double Patenting rejection of claims 1, 8 and 12 under 35 U.S.C. 101.

Claim Rejections - 35 USC § 101

5. In view of the amendment filed May 28, 2007, the Examiner withdraws the rejection of claims 12-20 and 20 under 35 U.S.C. 101.

Response to Arguments

6. Applicant's arguments filed May 28, 2007 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 8-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 8-11 directed towards a computer program product encoding computer programs wherein the product is not defined by the specification as being a storage medium. Applicant's specification on page 3, paragraph 7 teaches "computer program product may be provided in a computer data signal embodied in a carrier wave". A "carrier wave" embodying functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes of § 101. Rather, "carrier wave" is a form of energy, in the absence of any physical structure or tangible material.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-9, 11-13 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Alegree et al. (hereinafter Alegree) US Patent Number 6,199,113.

As per claims 1, 8 and 12:

Alegree teaches a method comprising: generating session information at the control node in response to a request from a client to access a system node and

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sending the session information to the client, the system node, and a data node if the client and system node satisfy at least one condition for accessing each other; (col. 4, lines 17-23) receiving at the data node a request from the client to access the system node and a request from the system node to access the client; (col. 4, lines 31-39 and lines 43-48) and establishing a first secure authenticated connection between the client and the system node via the data node based at least in part of the session information. (col. 4, lines 48-67)

As per claim 2:

Algree teaches all the subject matter as discussed above. In addition, Algree further discloses receiving at the control node a request from the client for the session information. (col. 7, lines 2-43)

As per claims 3, 9 and 13:

Algree teaches all the subject matter as discussed above. In addition, Algree further discloses prior to receiving the request from the client to access the system node, registering the system node with the control node. (col. 4, lines 32-47)

As per claims 4 and 19-20:

Algree teaches all the subject matter as discussed above. In addition, Algree further discloses prior to receiving the request from the client to access the system node, providing a list of registered system nodes to the client, wherein the system node is selected at the client from the list of registered system nodes. (col. 4, lines 55-67; col. 7, lines 2-65)

As per claims 5 and 17-18:

Algree teaches all the subject matter as discussed above. In addition, Algree further discloses notifying the system node when a message is received from the client at the data node. (col. 4, lines 55-67; col. 8, lines 28-44)

As per claims 6-7 and 16:

Algree teaches all the subject matter as discussed above. In addition, Algree further discloses establishing a second secure authenticated connection between the system node and the data node. (col. 4, lines 55-67)

As per claim 11:

Algree teaches all the subject matter as discussed above. In addition, Algree further discloses wherein a computer process at the data node further comprises: notifying the system node when a message is received from the client at the data node; (col. 4, lines 32-67) establishing a second secure authenticated connection between the system node and the data node; (col. 4, lines 32-67) and sending the message from the data node over the second secure authenticated connection between the system node and the data node. (col. 4, lines 32-67)

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alegree et al. (hereinafter Alegree) US Patent Number 6,199,113 in view of Bhat et al. (hereinafter Bhat) US Patent Number 7,243,369.

As per claim 10:

Alegree teaches all the subject matter as discussed above. Alegree does not explicitly disclose wherein the computer process at the control node further comprises updating a client database at the control node with a dynamic network address for the system node on a recurring basis. Bhat in analogous art, however, discloses wherein the computer process at the control node further comprises updating a client database at the control node with a dynamic network address for the system node on a recurring basis. (col. 4, lines 1-9) Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the method disclosed by Alegree with Bhat in order to redirect a user request to protected web-based applications and services which may be specific to an organization or an entity. (col. 4, lines 7-9; Bhat)

13. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alegree et al. (hereinafter Alegree) US Patent Number 6,199,113 in view of Ferlitsch et al. (hereinafter Ferlitsch) US Publication Number 2002/0093674.

As per claims 14-15:

Alegree teaches all the subject matter as discussed above. Alegree does not explicitly disclose wherein the session information includes at least a dynamic network address for the system node. Ferlitsch in analogous art, however, discloses wherein the session information includes at least a dynamic network address for the system node.

(page 2, paragraph 26) Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the method disclosed by Algree with Ferlitsch in order to enable the client to change current preferences for receiving service.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shewaye Gelagay


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER